UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/46/399
30 August 1991

ORIGINAL: ENGLISH

Forty-sixth session
Item 72 of the provisional agenda*

UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

Revenues derived from Palestine refugees' properties

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 45/73 H of 11 December 1990, entitled "Revenues derived from Palestine refugees' properties", the operative paragraphs of which read as follows:

"The General Assembly,

"...

"1. Requests the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection and administration of Arab property, assets and property rights in Israel and to establish a fund for the receipt of income derived therefrom, on behalf of the rightful owners;

"2. Calls once more upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;

"3. Calls upon the Governments of all the other Member States concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel, which would assist the Secretary-General in the implementation of the present resolution;

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* A/46/150.

"4. Deplores Israel's refusal to cooperate with the Secretary-General in the implementation of the resolutions on the question;

"5. Requests the Secretary-General to report to the General Assembly at its forty-sixth session on the implementation of the present resolution."

2. On 12 February 1991, in accordance with established procedure, the relevant provisions of General Assembly resolutions 45/73 A to K were brought to the attention of the Chairman of the United Nations Conciliation Commission for Palestine.

3. On 15 February 1991, the Secretary-General transmitted to the Government of Israel those resolutions, including resolution 45/73 H, and requested Israel to inform him by 30 June 1991 of any steps it had taken or envisaged taking in implementation of the relevant provisions of those resolutions.

4. Also on the same date, the Secretary-General sent a note verbale to all other Member States, drawing their attention to the relevant provisions of resolutions 45/73 A to K, including paragraph 3 of resolution 45/73 H, and requesting information by 30 June 1991 concerning any action taken or envisaged in relation to their implementation.

5. A reply dated 2 July 1991 was received from Israel, covering various aspects of resolutions 45/73 A to K. In the portion of the reply relating to resolution 45/73 H, the text read as follows:

"Resolution 45/73 H demonstrates its sponsors' misuse of the General Assembly for the goals of the ongoing propaganda campaign against Israel. Israel's position on this resolution has been set out in statements by Israel's representative to the Special Political Committee on 10 November 1981 (A/SPC/36/SR.28), on 15 November 1985 (A/SPC/40/SR.34), on 28 October 1986 (A/SPC/41/SR.14) and in the report of the Secretary-General (A/45/429) dated 22 August 1990.

"There is no legal basis for taking the steps proposed by this resolution. Property rights within the borders of a sovereign state are exclusively subject to the domestic laws of that state. The right of states to regulate and dispose of property within their territory (and the income derived from that property) is a generally accepted principle.

"Significantly, the sponsors of this resolution have not suggested at any time that similar steps be taken regarding the confiscated Jewish property in Arab countries. As a result of the 1948 War, approximately 800,000 Jewish refugees from Arab countries were resettled in Israel. The property left behind by these Jewish refugees (estimated to be worth billions of dollars) was expropriated by the governments of the Arab countries in which they lived. There can be no difference in law, justice or equity between the claims of Arab and Jewish property owners.

By doing so, the sponsors of resolution 45/73 H are suggesting that Israel's sovereignty is limited or restricted by some provision that does not apply to other Member States of the United Nations."

6. At the time of preparation of this report, no reply had been received from any other Member States in relation to the implementation of resolution 45/73 H.